2. Announcement Re. Election of Deputy President

Mr. President: I have to announce that the election of the Deputy President will be held at 12-30 P.M. on Saturday, 19th April 1947 and the nomination papers will be received by the Secretary to the Legislative Council up to 12 NOON on Friday, 18th April 1947.

I have also to announce that for the election of the three members to the Standing Finance Committee, nominations of the following three members alone have been received and that they are, therefore, duly elected as members of the Committee.

Mr. K. S. Panicker.
Mr. P. K. Paul.
and Mr. M. K. Varghese.

3. Adjournment Motions *(cont.)*

Before we proceed to Demands for Supplementary Grants, we will take up the question that was postponed yesterday about the admissibility of certain adjournment motions, notices of which were received yesterday. I would like to hear the Government view on this matter given by a former President.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: The matter proposed to be discussed in a motion for adjournment of the business of the House must be a definite matter of recent occurrence. The urgency of the matter proposed to be discussed is one of opinion to be gathered from the facts of each particular motion and it is within the discretion of the President to decide whether the matter proposed to be discussed is of such urgency as to warrant a motion for adjournment of the business of the House. It has been said by a high authority on Parliamentary Practice that the formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has been gradually but steadily discouraged. It is a well-known parliamentary practice that adjournment motions unless given notice of at the earli st possible opportunity will be disallowed by the Chair, on the ground that the member seeking leave of the House has himself admitted by his conduct in not availing himself of the earliest opportunity that the matter is not urgent. At page 345 of May's Parliamentary Practice 14th Edition, it has been said that "if the matter is not raised at the earliest opportunity, it fails in urgency." This principle has stood the test of time in the House of Commons and it has been followed in the Indian Legislative Assembly. The Ruling given by the Late, lamented Mr. V. J. Patel, President of the Indian Legislative Assembly, on the 7th September 1927 is to the point. This is reported in Assembly Debates 1927, Volume IV, Nos. 57 to 65, page 4058. I shall read the relevant portions.

"*Mr. President:* I have received the following notice of motion for adjournment of the House under rule 11 of the Indian Legislative Rules from Mr. M. K. Acharya:

> "I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly today (7th September 1947) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Kharagpur workshops at a time when the neighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway work shops by the workmen themselves."

Then the President proceeds:—

Mr. President: This notice of motion came into my hands one minute before 11 O'clock. It is extremely inconvenient to every one concerned, particularly to the Chair and to the Department that Members should give such notice just at the eleventh hour. I must have some time at any rate to consider the question of admissibility to enable me to pass orders on it. I hope, therefore, that Members who desire to give notice of motions for adjournment of the House under rule 11, will at least give a few minutes to the Chair, so that the Chair might communicate with the Department concerned and have their view. This is, of course, for future guidance. As for the particular notice which I have just read to the House, I should like to know from Mr. Acharya on what date this decision of the Bengal Nagpur Railway authorities was arrived at?

Mr. M. K. Acharya: Sir, from the papers that I have got, notice seems to have been given on the 15th of last month and it is to take effect before the end of this month. It is specifically stated in the notice that arrangements should be made so that the whole of the surplus is eliminated before the beginning of the Puja holidays. It says:

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